

EXHIBIT 06

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FULL CIRCLE UNITED, LLC,

Plaintiff,

vs.

BAY TEK ENTERTAINMENT, INC.,

Defendant.

BAY TEK ENTERTAINMENT, INC.,

Counterclaim Plaintiff,

vs.

FULL CIRCLE UNITED, LLC,

Counterclaim Defendant,

-and-

ERIC PAVONY,

Additional

Counterclaim Defendant.

Case No.
1:20-cv-03395

DEPOSITION OF LAURA SMITH

(Via Zoom Videoconference)

July 6, 2022

Reported by: John L. Harmonson, RPR

Job No. 211446

1 L. SMITH

2 MS. REILLY: It's not even a question.
3 Why are you arguing?

4 MR. WILLIAMS: I'm not arguing. I
5 made a statement.

6 MS. REILLY: Yeah. It's not your
7 testimony to be giving. Can we just stick to
8 questions, please?

9 MR. WILLIAMS: I think I've been doing
10 pretty well all day, and I think the record will
11 reflect that.

12 MS. REILLY: Yeah, except for just
13 now.

14 MR. WILLIAMS: I'm not going to get
15 into a back-and-forth about this.

16 BY MR. WILLIAMS:

17 Q. Ms. Smith, would you opine that the
18 amounts of damages in your reports are reasonably
19 certain?

20 A. Well, first of all, the amount of
21 damages really can't be reasonably certain. They
22 can be -- and they don't need to be under the
23 law. Forecasts and projections and sales and
24 stuff that didn't occur because of somebody's bad
25 action can't be proven to be certain. What needs

L. SMITH

C E R T I F I C A T E

DISTRICT OF COLUMBIA

I, JOHN L. HARMONSON, a Notary Public within and for the District of Columbia, do hereby certify that LAURA SMITH, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

That before completion of the proceedings, review and signature of the transcript was not requested.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of July, 2022.



JOHN L. HARMONSON, RPR

My commission expires: 04/14/26

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*Additional Counterclaim
Defendant.*

Civ. Action No. 1:20-cv-03395

ERRATA SHEET

Laura Smith, being duly sworn, deposes and says:

1. I have reviewed the transcript of my deposition taken on July 6, 2022. The following changes are necessary to correct my testimony:

Page/Line	Corrected Testimony	Reason for Correction
19 / 7	"the lost profits calculation, which would include... "	Delete "not" - Misquoted
21 / 17	"because no costs , real..."	Typo - delete comma after "no"
23 / 11	"Because it's a contract dispute."	Misquote
39 / 16	"electronically linked games... "	Delete "to" - Misquoted
44 / 20	"There was one mining case where that..."	Misquoted
69 / 25	"revenue and other cost "	Misquoted
81 / 18	"But for ' 18 , the reported revenue..."	Misquoted the year

90 / 2	"didn't include a lot of damages over "	Typo/misquoted
94 / 10-11	Witness "No" Q. "Sorry. I'll repeat my question just for clarity. "	Witness did not say the second part.
110 / 8-9	"includes 1,740 lanes, or 1,750 lanes"	Typo
112 / 16	"so after the operators or venues are paid"	Typo
113 / 25	" I don't list the name "	Typo/Misquote
122 / 7	"so Bay Tek has..."	Typo
141 / 4	"had an initial call with them and we..."	Typo/Misquote
143 / 20	"maintained the 11th prototype lane to ..."	Typo/Misquote
160 / 2-4	"The way I get the information from the call is that I work it into the report, I work it into my draft."	Typo/Misquote
174 / 25	"is supported by the source in footnote 45"	Typo/Misquote


LAURA SMITH

District of Columbia: SS

Sworn to and subscribed before me on
the 4th day of August, 2022


Notary Public's Signature
My Commission Expires 6/14/24

